WORK SAFE
ALBERTA

Alberta's Occupational Health and Safety Code

An Explanation of the "Working Alone" Requirements

Alberta
HUMAN RESOURCES AND EMPLOYMENT
the people & workplace department

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Purpose of the Working Alone Regulation

The requirements for "working alone" were added to the General Safety Regulation (AR 448/83) on October 4, 2000. With the consolidation of all occupational health and safety rules into the *Occupational Health and Safety (OHS) Code*, the requirements become part of the *OHS Code*. The purpose of the Working Alone requirements is to ensure that workers working alone can do so safely. As a result, employers have responsibilities to minimize and eliminate risks associated with their workers who work alone.

The purpose of this publication is to explain the requirements of Part 28 of the *OHS Code*, in plain, easy-to-understand language. Each of the "rules" of the *OHS Code* is presented, followed by information that helps clarify the intent or application of the requirement.

This publication accompanies a handbook of best practices intended to help employers meet their obligations.

www.gov.ab.ca/hre/whs/publications/pdf/workingalone.pdf
Working Alone Safely — A Guide for Employers and Employees

General types of working alone situations

Workers who work alone can be grouped into five broad categories:

(1) Workers who handle cash. This includes convenience store clerks, retail and food outlet workers, and taxi drivers.

(2) Workers who travel away from base offices to meet clients. This includes home care workers, social services workers, and bylaw enforcement officers.

(3) Workers who do hazardous work but have no routine interaction with customers or the public. This includes workers in the logging, oil and gas industries.

(4) Workers who travel alone but have no routine interaction with customers or public. This includes truck drivers and business people in transit.

(5) Workers who are at risk of a violent attack because their work site is isolated from public view. This includes security guards and custodians.

A worker is considered to be working alone if the worker works by himself or herself at a work site in circumstances where assistance is not readily available when needed. Employers can eliminate the risk of workers working alone, as well as the need to comply with the working alone requirements, if they chose to organize the work schedules and procedures to eliminate the need for workers to work by themselves.

Employer obligations

If a employer has workers who work by themselves, the *OHS Code* requires the employer to:

- conduct a hazard assessment to identify existing or potential safety hazards in the workplace associated with working alone;
- implement safety measures to reduce the risk to workers from the identified hazards;
- ensure that workers have an effective way of communicating with their employer, immediate supervisor or another designated person in case of an emergency situation; and
- ensure that workers are trained and educated so they can perform their job safely.

Four jurisdictions in Canada (Manitoba, Saskatchewan, British Columbia, and New Brunswick) regulate working alone. All use a regulatory approach very similar to the one adopted in Alberta. Each of these jurisdictions requires employers to conduct a hazard assessment and then to develop controls to reduce the risks associated with the identified hazards.

When this requirement was being prepared, consideration was given to making it mandatory for employers to have at least two workers at all work sites. However, it was determined that such a requirement was not always practicable or effective in protecting workers. Instead, employers were given some flexibility in determining the best ways of protecting their workers. No jurisdiction in Canada prohibits working alone.

Need more information?

This publication provides explanations that apply to most workplaces and situations. However, if you find an explanation is unclear, or additional information would be helpful, please contact Alberta Human Resources and Employment. Call the Province-Wide Contact Centre:

Edmonton — (780) 415-8690

Other locations — 1-866-415-8690

Note: All persons making use of this publication are reminded that it has no legislative sanction. The Occupational Health and Safety Code should be consulted for all purposes of interpreting and applying the law.

Rules Related to Working Alone

Defining "to work alone"

"To work alone" means to work alone at a work site in circumstances where assistance is not readily available in the event of an injury, illness or emergency.

EXPLANATION

Visual contact too limiting

In the second edition of this publication (December 2000), the concept of "to work alone" was interpreted to mean that persons capable of offering assistance were too far away from, and therefore unable to see, the worker requiring assistance. As a result, the term "readily available" in the definition of "to work alone" was interpreted to mean that *visual contact* between workers had to be maintained. This interpretation was found to be too narrow and limiting.

Many situations arise in which workers may be unable to see one another but can maintain audible contact. Examples include workers in adjoining offices, a welder working behind a welding screen, and a tradesperson and their helper separated by an intervening wall. In such circumstances, the working alone requirements need not apply.

Two conditions

The working alone requirements of the *OHS Code* apply when **both** of the following conditions are met:

(1) a worker is working by himself or herself; and
(2) assistance, in the event of an injury, illness or emergency, is not readily available to the worker.

If two or more workers of the same employer are working together, the working alone requirements of the *OHS Code* do not apply. If two or more workers of different employers are working together, the working alone requirements of the *OHS Code* do not apply as it is reasonable to expect that the workers will provide assistance to one another.

Readily available — three assessment factors

Three factors must be assessed when determining if assistance is "readily available" in the event of an injury, illness or emergency:

(1) *awareness* — will other persons capable of providing assistance be aware of the worker's needs?
(2) *willingness* — is it reasonable to expect those other persons will provide helpful assistance?
(3) *timelines* — will assistance be provided within a reasonable period of time?

This assessment must consider the level of risk associated with the circumstances of the work, e.g. type of work, location, hazards, etc. If the worker faces hazards that pose a high risk of injury, "readily available" may become "immediately available". Worker expectations of the availability of assistance increase as the level of risk associated with the work increases. Employers are reminded that the level of risk may change over time and with changing workplace conditions.

Example situations

The following examples describe typical workplace situations in very general terms. Circumstances at individual workplaces may vary, influencing whether or not a working alone situation exists.

Example 1:

A worker is the only staff member on duty at "Bison Burgers" in a food court where other workers are present at nearby food outlets.

Although the worker is by himself or herself, workers present at other food outlets could reasonably be expected to provide or get assistance. The working alone requirements of the *OHS Code* would not apply in this situation since both conditions described above are not met.

However, a lone worker at a stand-alone food outlet would meet the "working alone" conditions because the worker, if seriously injured due to an accident or as a result of a confrontation with a customer, would have no way of getting assistance.

Example 2:

A worker, equipped with a portable two-way radio or cellular telephone, is working by himself or herself in an area where the worker cannot be seen or heard by persons capable of offering assistance.

The two conditions applicable to working alone apply in this example. The worker is working by himself or herself and assistance is not readily available because the worker cannot be seen or heard by persons capable of offering assistance. While it may be part

t the solution, the fact that the worker has a portable two-way radio or a cellular elephone is irrelevant when assessing the situation against the two conditions.

Because the two working alone conditions are met, the employer is required to conduct a hazard assessment to identify existing or potential hazards arising from the conditions and circumstances of the worker's work. The employer must also establish an effective means of communication between the worker and persons capable of responding to the worker's needs. The assessment may show that the portable two-way radio or cellular telephone is effective, or it may suggest that alternatives are necessary.

Example 3:

A worker driving on the highway between Calgary and Edmonton versus a worker driving on a remote abandoned logging road.

It is reasonable to expect that during daytime hours, if a worker driving the highway requires assistance, other highway users will become aware of the need. It is also reasonable to expect that other highway users will willingly provide assistance and do so in a timely manner. The working alone requirements do not apply. However, if the driving occurs throughout the night, particularly on a less travelled roadway, the working alone requirements may apply.

By contrast, it is reasonable to expect that a worker driving on a remote abandoned logging road will not encounter anyone on the roadway. In the event of an injury, illness or emergency, it is unreasonable to expect someone will be aware of the situation or be willing to provide assistance in a timely manner. The working alone requirements apply.

Example 4:

A nurse on night shift at a psychiatric unit versus a nurse on day shift at a children's unit.

The circumstances of the work in these two situations are quite different, although the worksite — the health care centre — is the same. The availability of assistance in each situation must be assessed individually from the perspective of awareness, willingness and timeliness. Given the increased risk to personal safety of working the night shift on a psychiatric unit, expectations on the availability of assistance are also greater.

Particularly if the unit is large and few staff are on duty, it may not be reasonable to expect other persons capable of offering assistance to be aware of the nurse's needs. Given the potential hazards to which the nurse is exposed, the timeliness of a response for assistance should be faster. The situation of a nurse on night shift at a psychiatric unit may trigger the working alone requirements.

Example 5:

Table 1 describes situations that might be encountered involving two workers, one of which is a tradesperson and the other is the tradesperson's helper.

Table 1 Degrees of worker separation

Tradesperson and helper work together continually	Not working alone
Helper passes behind loading bins and is momentarily out of sight or cannot be heard	Not working alone
Helper goes to the next room to get supplies Helper goes to another floor to get supplies Helper goes to outside loading area to get supplies	Workers *may* be working alone – workers should be aware where each other is and the approximate return time. Factors that may influence whether this is a working alone situation include: • how long the workers are separated • whether the work poses a high risk of injury • the presence of other persons at the work site
Helper gets into vehicle to go to warehouse to get more supplies	Working alone

Is the worker working alone?

A worker is **not** "working alone" if **all** of the following conditions are met:

(1) *awareness* — the worker can get the attention of someone capable of providing helpful assistance when the worker requires it, i.e. by maintaining visual contact, staying within the hearing range of others, being continuously monitored by remote surveillance camera, sounding an alarm, making frequent contact with other workers or persons throughout the work period.

(2) *willingness* — persons expected to provide assistance to the worker must be capable and willing to do so when required. There should be a reasonable expectation that the persons being relied on to provide assistance can and actually will provide that assistance. Depending on circumstances, those persons may need access to a telephone to call Emergency Services (dialling 9-1-1), to access to some other type of communication device to call for assistance, or specialized skills e.g. confined space entry training, the ability to use a self-contained breathing apparatus, etc. The employer must consider these factors when assessing the working alone situation.

(3) *timeliness* — the required assistance will be provided in a reasonable period of time. What is reasonable depends on factors such as the nature of the illness, injury or emergency, the physical location of the work and the workers, the type of work being performed, the level of risk and others. In general, assistance must be provided as quickly as reasonably practical. Employers should discuss this and the other conditions with workers to ensure that workers' needs are met.

Video surveillance camera

Maintaining contact with workers may be achieved through the use of video surveillance cameras. The employer's hazard assessment should assess to what extent workers using this system can respond to other workers who require assistance. A remote video monitoring room, or a non-continuous surveillance system that regularly switches images between several monitoring cameras may or may not meet the "readily available" assistance criterion of the *OHS Code*. The hazard assessment should help to determine if this is the case.

Employers can eliminate the risk of workers working alone, as well as the need to comply with the working alone requirements, if they choose to organize work schedules and procedures to eliminate the need for workers to work by themselves. Overlapping shifts, having multiple workers work together, and rearranging the physical location of the work so that workers maintain contact with one another are examples of how working alone situations can be avoided.

Work site and worker

Subsection 1(n) of the *Occupational Health and Safety Act* defines a work site as a location where a worker is, or is likely to be, engaged in any occupation. For workers who work out of their vehicle, any vehicle, or mobile equipment used by the worker as part of the job is also considered a work site. The *Act* clearly indicates that a work site is any location where there is, or is likely to be, a worker doing work as part of their occupation.

Subsection 1(m) of the *Occupational Health and Safety Act* defines a worker as any person engaged in an occupation. It is not necessary for the worker to be paid and therefore volunteers and other unpaid persons are considered to be workers.

Exempted workers

The amendment, as well as the *OHS Code*, do not apply to farmers and ranchers, workers working in their own private dwellings, domestic workers such as nannies and housekeepers, federal government workers, or workers in federally-regulated industries such as banking, telecommunications, television and radio broadcasting, and interprovincial transportation.

Are students workers?

Although the definition of "worker" is broad enough in the *Occupational Health and Safety Act* to include a student, the definition of "employer" is difficult to apply to a school. The Alberta Court has accepted the word "employ" as involving "using the services of someone". In the context of a student and a school, it is difficult to see how the school can be considered to be using the services of a student — the reverse is more likely the case. There is also no case law to support the notion that a student attending classes can be considered to be self-employed and therefore subject to the *Act*.

Based on this information, Alberta Human Resources and Employment now takes the position that the *OHS Act, Regulations and Code* do not apply to students receiving training in an educational setting, regardless of the activities being performed e.g. wood-working class at a grade school, automotive repair course at a technical school, chemistry laboratory course at a university, etc. Responsibility for the safety of students rests with the school under existing legislation that applies to educational institutions.

When a student provides services to an employer

Two situations arise in which a "student" provides services to an employer and therefore becomes a "worker".

(1) *A student involved in a work-experience training program that takes place at an industrial setting* e.g. working at a chemical plant as part of the work-experience program, the work term of an apprenticeship program, etc. In these cases the operator of the industrial setting is considered to be the employer and the student is now a worker. The requirements of the *OHS Act, Regulation and Code* apply to both the employer and worker.

(2) *A student performing work on behalf of an educational institution or an instructor* e.g. conducting research for a university or a professor. The institution or instructor is considered to be the employer and the student is now a worker. The requirements of the *OHS Act, Regulation and Code* apply to both the employer and worker.

Hazard assessment

When a worker is required to work alone, the employer shall:

(1) first conduct a hazard assessment to identify existing or potential hazards arising from the conditions and circumstances of the worker's work, and

(2) establish an effective means of communication between the worker and persons capable of responding to the worker's needs.

EXPLANATION

Hazard assessment

A work site hazard assessment is a common sense look at the workplace to identify existing hazards for workers working alone. To perform such an assessment, employers need to:

(1) review records and past incidents, and

(2) identify measures or actions needed to correct any hazards.

Completing those two initial steps is important to the success of any health and safety program. The *OHS Code* requires employers, where practicable, to involve in the hazard assessment those workers who may be affected by it. The *OHS Code* also requires that the assessment be in writing and be communicated to all workers affected by it. The assessment should indicate the work site(s) to which it applies and the date(s) on which it was performed.

Employers having limited experience with assessing hazards, or who are unsure of what corrective measures or actions to take, may wish to contact outside experts. These may include the industry association to which they may belong, the provincial health and safety association that best represents their industry, or a private occupational health and safety consultant. Employers in the retail sector may also wish to contact the Crime Prevention Unit of their local police service.

One hazard assessment for multiple work sites

Hazard assessments are only required for each different set of working conditions. A taxi company for example, could complete one hazard assessment to cover all its drivers and the typical situations those drivers encounter. An assessment does not need to be completed for each driver individually. The same is true of a worker selling vacuum cleaners door-to-door, or a worker inspecting a number of essentially identical

transformer substations. A single hazard assessment can cover the hazards generically rather than assessing each taxi, house or substation individually.

Review of records and past incidents

When identifying workplace hazards, employers should talk to their workers and review the experience of the business over the previous two or three years. Collect and examine the history of past events that may reveal the risk of workplace incidents, injuries and violence. Consider what happened before and during the incident. Note the relevant details of the situation and its outcome. If an employer does not have any personal experience with past incidents, the employer should check with similar businesses so that a variety of potential problem situations and circumstances are identified and considered.

Employers should see if there are any trends in injuries or incidents relating to their type of business, a particular work site, job title, activity, or time of day or week. Employers should identify specific tasks that may be associated with increased risk.

Good sources of information include injury and illness records resulting from "working alone" incidents, workers' compensation claims, and police department robbery reports that identify specific incidents related to working alone.

Inspect and analyze the workplace

After reviewing records or past incidents, employers need to carefully examine the workplace, day-to-day management practices and other situations that may put workers at risk. This will help to develop and put in place specific preventative measures to address these problems.

The employer's review should look at:

(1) all factors that may make the risk of violence more likely, such as physical features of the building and environment, inadequate lighting, lack of telephones and other communication devices, telephones that do not permit out-going calls, areas of unsecured access, and areas with known security problems such as parking lots;

(2) factors that make the risk of occupational injury more likely or severe, such as high hazard work e.g. tree cutting, isolation from first aid services, and inability to call for help; and

(3) the effectiveness of existing safety measures. Find out whether these measures are actually being used and whether workers have been adequately trained in their use.

Appendix 1 of *Working Alone Safely — A Guide for Employers and Employees*, contains sample hazard assessment checklists (see Figure 1). The checklists present a series of questions that may help employers perform their work site inspection and analysis of hazards. In some cases (depending on the type of business and the hazards present), completion of the appropriate checklist may be all that is required. In other cases, the checklist is a starting point for a more comprehensive assessment.

www.gov.ab.ca/hre/whs/publications/pdf/workingalone.pdf
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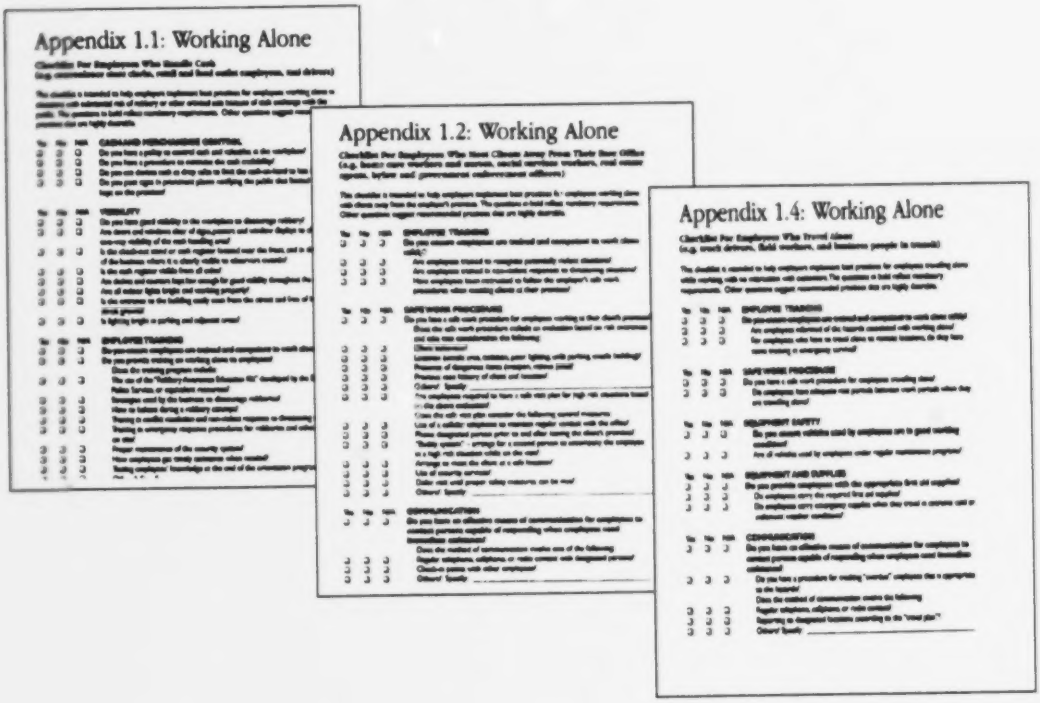
Figure 1 Examples of hazard assessment checklists



Means of communication

"Effective means of communication" means radio, telephone or other electronic communication device.

Alternate means of communication

If an "effective means of communication" is not practicable or readily available at the worksite, the employer shall:

(1) visit the worker, or

(2) ensure the worker contacts the employer at intervals of time appropriate to the nature of the hazards associated with the worker's work.

EXPLANATION

The purpose behind the "effective means of communication" is to provide workers with a method of signaling their need for assistance. The "means of communication" is **not** limited to verbal communication — the amendment does not require employers to provide cellular telephones to each of their workers.

Common devices that meet the intent: include telephones, cellular telephones, satellite telephones, portable two-way radios, personal alarms and computer-based systems that achieve the same results. The key point is that the communication system must permit a worker requiring assistance to send a message or signal to someone capable of providing assistance to them.

As an alternative to an "effective means of communication", an employer can establish an effective "contact" system that is appropriate to the hazard. Examples of a contact system include visiting the worker, scheduling check-ins with other workers or designated persons, reporting to an office or particular person upon completion of a task, and visual or audible contact with other persons who can offer assistance when needed. The frequency of contact must be based on a hazard assessment. At a work site involving minimal hazards, the requirement may involve a conversation between workers at the time of shift change or reporting to work the next day. Alternatively, a more hazardous work situation may require regular check-ins or visits by a supervisor.

An effective means of communication or contact must always be provided by the employer in working alone conditions. An employer cannot, upon performing the hazard assessment, decide that a means of communication or contact is unnecessary. If a worker works alone at a work site in circumstances where assistance is not readily available when needed, a means of communication or contact must be provided.

Hazard assessments at intervals

In addition to conducting a hazard assessment, the employer must conduct further hazard assessments at intervals of time appropriate to the conditions and circumstances of the worker's work.

EXPLANATION

A new hazard assessment needs to be performed when the circumstances of the working alone situation change. For example, exchanging one worker for another may not substantially change a working alone situation but extending the worker's hours of work from 6 p.m. to midnight may have a substantial effect on their personal safety and the results of the existing hazard assessment. The change in working hours alters the working alone situation and triggers the need for a new hazard assessment.

Even as a new business opening next door may trigger the need for a new hazard assessment. If that new business involves late night entertainment for example, then the potential impact of its operation on the existing employer's workers who work late and alone need to be considered.

Elimination and control of hazards

The employer shall take all reasonable steps:

(1) to eliminate any hazard identified during a hazard assessment, or

(2) to control any hazard identified during a hazard assessment if it is not reasonably practicable to eliminate the hazard.

EXPLANATION

Employers must first try to eliminate the hazard(s) identified by the hazard assessment, Then and only then should the employer try to reduce or control the hazard(s). Elimination ensures the hazard no longer exists, regardless of which worker is working and their experience, skills and abilities.

Reduction or control of hazards may only be a temporary measure and may be dependent on specific workers being able to make the control function as intended. For example, securement of an access door that depends on a worker using a significant amount of force to close it and a special way of twisting the lock to get it to latch is unacceptable. All of the employer's workers should be able to operate the door and lock, regardless of their strength or abilities. The hazard can easily be eliminated through repair or replacement of the door and lock. Subsection (2) above uses the phrase "reasonably practicable" to reflect the fact that many hazards, by their very nature, cannot be eliminated: e.g. toxic gases, chemicals, confined spaces, heights, etc. These types of hazards can and should be controlled.

Participation of affected workers

If practicable, the employer shall have the workers affected by a hazard assessment participate:

(1) in conducting the hazard assessment, and

(2) in the elimination or control of any hazard identified during the hazard assessment.

EXPLANATION

The intent of this requirement is to involve workers in activities that directly affect them and to which they can provide meaningful advice and guidance. Worker can provide information and practical solutions that might otherwise be missed by an employer or his designate who does not routinely work under the circumstances experienced by the workers.

In some cases, it may not be practical to involve all of the affected workers who work alone. In such circumstances, employers should try to involve a sample of workers, perhaps selected on the basis of experience, gender, age or other appropriate criteria, that represents the total affected workforce.

Assessment communicated to affected workers

A hazard assessment must be in writing and be communicated to all workers affected by the assessment.

EXPLANATION

The hazard assessment must be in writing. A written assessment provides evidence that hazards were identified and considered.

Appendix 1 of the *Working Alone Safely — A Guide for Employers and Employees*, contains sample hazard assessment checklists (several examples are included in Figure 1). In some cases, depending on the type of business and the hazards present, completion of the appropriate checklist may be all that is required. In other cases, the checklist is a starting point for a more comprehensive assessment.

The assessment should indicate the work site(s) to which it applies and the date(s) on which it was performed. Upon completion, the results of the hazard assessment must be communicated to all workers affected by its results. This communication should include a description of how the employer intends to eliminate or control the various hazards identified.

Workers who work alone must also be trained in any procedures or practices developed to protect them from hazards identified in the assessment.

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